

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 4TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE G.PATRI BASAVANA GOUD

WRIT PETITION NUMBER 24020 OF 1990

Between:

M/s Karnataka State Road
Transport Corporation
KH Road, Bangalore-27

208
-Petitioner

(By Sri Ram Mohan Reddy, Adv.)

And:

1. The Presiding Officer
Additional Labour Court
Gandhinagar
Bangalore 560 009

2. H. Govindappa
son of Honnappa
resident of No.539,
Right Side

St.Rukmini Lodge
Chickballapur 562 101 -Respondents

(By Sri V. Lakshminarayana, Adv. for R-2;
Ms.Shanthakumari, HCGP for R-1)

This writ petition is filed under Articles 226 and 227 of the Constitution seeking to quash the award dated 25-5-1990 at Annexure-B passed in Ref.No.171 of 1988 by the first respondent.

This writ petition coming on for hearing this day, the Court made the following:

O R D E R

Ms. Shanthakumari, learned HCGP appears for the first respondent.

2. The employer KSRTC, in this writ petition under Articles 226 and 227 of the Constitution,

4

209

seeks quashing of the award of the second Additional Labour Court, Bangalore dated 25-5-1990 at Annexure-B.

3. On the charge that at the time his bus was checked, the second respondent conductor in the petitioner KSRTC had not issued tickets to 7 passengers inspite of having collected fare from them, ^{enquiry} a domestic was held in that regard and, on proof of misconduct, he was dismissed. He raised an industrial dispute in that regard. Before the Labour Court, he conceded fairness of the domestic enquiry. Labour Court did not find any perversity in the finding of the disciplinary authority with regard to proof of charge. Acting under Section 11A of the Industrial Disputes Act, 1947 ('Act' for short), Labour Court held the punishment of dismissal from service to be disproportionate to the said charge, and in its place, has substituted a lesser punishment of complete denial of back wages in addition to withholding of one future increment. In the circumstances, I find no arbitrariness in the Labour Court so acting under Section 11A of the Act.

g

210

4. There is no infirmity in the impugned award.

Writ Petition dismissed.

Sd/-
JUDGE

